

11-13-06

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	§	
JIM J. MILLER ET AL.	§	Attorney Docket: Miller-001:CIP
Serial No.: 10/730,431	§	Examiner: Kurt C. Rowan
Filed: December 8, 2003	§	Art Unit: 3643
For: IMPROVED AUTOMATIC FISH	§	
HOOK AND METHOD OF USE	§	

**PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S HEALTH**  
**(C.F.R. 1.102 AND M.P.E.P. §708.02 III)**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present application, US Patent Application Serial No. 10/730,431 was filed on December 8, 2003 and is a Continuation-in-Part of US Application Serial No. 10/086,600 (filed February 28, 2002 and now abandoned), which is a Continuation of US Application Serial No. 09/516,720 (filed on March 1, 2000 and now abandoned), which claims priority from US Provisional Application Serial No. 60/122,462 filed March 1, 1999.

Presently, the instant application is under Appeal to the Board of Patent Appeals and Interferences with the Applicant/Appellant having filed, on August 29, 2006, a Reply Brief to the Examiner's Answer.

The Applicant/Appellant, Jim J. Miller, has been diagnosed with Multiple Myeloma; a typically incurable cancer of the plasma cells. Thus, the prognosis of this illness is such that the Applicant/Appellant might not be available to assist in the prosecution of the application and/or the appeal, if it runs its normal course.

Filed herewith is a doctor's declaration attesting to the diagnosis of Applicant.

The undersigned counsel for the Applicant courteously solicits that this application now be made special based upon the Applicant's health under C.F.R. § 1.102 and M.P.E.P §708.02 III. Although Applicant believes that no additional fees are required for the filing of this petition, the Commissioner is hereby respectfully authorized to deduct such additional fees, as might be required, from Deposit Account Number 13-2166.

Respectfully submitted,



Taras P. Bemko  
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Date: Nov. 9, 2006

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Miller, et al.**

Docket No.

**Miller-001:CIP**

Application No.

**10 / 730,431**

Filing Date

**8 December 2003**

Examiner

**Rowan, Kurt C.**

Customer No.

**021897**

Group Art Unit

**3643**

Invention:

**NOV 09 2006****Improved Automatic Fish Hook and Method of Use**

I hereby certify that the following correspondence:

**Transmittal Letter (General - Patent Pending), and all documents referenced therein***(Identify type of correspondence)*

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**9 November 2006***(Date)***Matt Robinson***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EV 516729762 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

NOV 09 2006

O I P E

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
**Miller-001:CIP**

In Re Application Of  
**Miller, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10 / 730,431	8 December 2003	Rowan, Kurt C.	021897	3643	2329

Title:

*Improved Automatic Fish Hook and Method of Use*

COMMISSIONER FOR PATENTS:


Transmitted herewith is:

**Return Post Card;**  
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**Petition to Make Special Because of Applicant's Health; and**  
**Declaration in Support of Petition to Make Special**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **13-2166** as described below.
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**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Dated: *Nov 9, 2006*

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Typed or Printed Name of Person Mailing Correspondence

CC:



For: IMPROVED AUTOMATIC FISH  
HOOK AND METHOD OF USE

\*\*\*\*\*

**Art Unit: 3643**

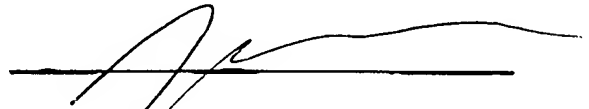
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all statements made upon information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 19 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued therefrom.

**Full Name of Treating Physician:**

Joseph E Brierre, MD

**Signature:**



**Post Office Address:**

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